Appendix A—Judgment Order of the Supreme Court of Puerto Rico.

Translation

REGULATIONS AND PERMITS ADMINISTRATION, Etc.,

Complainant,

v.

JOHN SEATH,

Respondent-Appellee,

ALBERTO DEL TORO, *et als.*,

Interveners-Petitioners.

No. 0-80-328

Certiorari

Judgment of Angel Hermida, Judge, San Juan Section

JUDGMENT
(RULE 50)

San Juan, Puerto Rico, on June 30, 1982.

Considering as firm the administrative decision of the Regulations and Permits Administration (Dec. 15, 1978) that denied a use permit requested by Petitioner-Respondent Seath to operate the discotheque (night club) "San Juan San Juan"; and that from the updated statement of facts as of June 15, 1982 submitted by District Judge, Mr. Brocco Oliveras, it appears that

the restaurant business closed but the discotheque that was a dependency of the former continues to operate, and that four years after the District Court's judgment (Sept. 22, 1978) the conditioned use permit has not been granted by RPA, a possibility that then stayed a concrete adjudication of the injunction petition prohibiting the discotheque operation, to which end the District Court retained jurisdiction for procedural warranted action.

We annul the Superior Court (May 28, 1980) judgment on review and remand the case to the District Court for final adjudication of the controversy according to the present status of facts.

So was pronounced and ordered by the Court and so certifies the Clerk General. Chief Justice, Mr. Trias Monge and Associate Judge Mr. Rebollo Lopez did not intervene. Associate Judge, Mr. Negron Garcia inhibited himself.

(signed)

LADY ALFONSO de CUMPIANO
Clerk General

Appendix B—Resolution of the Supreme Court of Puerto Rico Denying Rehearing.

Translation

IN THE

SUPREME COURT OF PUERTO RICO

REGULATIONS AND PERMITS ADMINISTRATION, Etc.,

Complainant,

v.

JOHN SEATH,

Respondent-Appellee,

ALBERTO DEL TORO, *et als.*,

Interveners-Petitioners.

No. 0-80-328

Certiorari

Court incorporated by its President, Associate Justice, Mr. Davila and Associate Justices Messrs Torres Rigual and Rebollo Lopez.

RESOLUTION

San Juan, Puerto Rico, July 22, 1982.

The motion for rehearing is denied.

Agreed to by the Court and certified by the Acting Secretary.

(signed)

HERIBERTO PEREZ
Acting Secretary

Appendix C—Resolution of the Supreme Court of Puerto Rico Denying Clarification.

IN THE

SUPREME COURT OF PUERTO RICO

Translation

REGULATIONS AND PERMITS ADMINISTRATION, Etc.,

Complainant,

v.

JOHN SEATH,

Respondent-Appellee,

ALBERTO DEL TORO, *et als.*,

Interveners-Petitioners.

No. 0-80-328

Certiorari

Section integrated by its President, Associate Judge, Mr. Davila and Associates Judges Messrs. Diaz Cruz and Irizarry Yunque

RESOLUTION

San Juan, Puerto Rico, on September 9, 1982.

The second motion of Respondent appellee for stay of the mandate and clarification of the judgment is denied.

Said party shall adhere to the finality of the provisions therein.

So was resolved by the Court and so certifies the Clerk General.

(signed)

LADY ALFONSO de CUMPIANO
Clerk General

Appendix D—District Court Resolution.

Translation

GENERAL COURT OF JUSTICE

DISTRICT COURT

San Juan Section

RULES PERMITS ADMINISTRATION, through its Adm. Eng. William Salva Matos and Edmundo Colon Arizmendi,

Plaintiffs,

vs.

JOHN SEATH,

Defendant.

Civil No. 78-3547 On: Special Procedure, Art. 28, Law 76 of June 24, 1975

RESOLUTION AND ORDER

On September 15, 1978, at 10:22 A.M., Plaintiff Rules and Permits Administration—hereinafter the R.P.A.—represented by Engineers William Salva Matos and Edmundo Colon Arizmendi, filed the above referenced proceeding, pursuant to the provisions of Article 28 of Law Number 76 of June 24, 1975 against Defendant. This complaint alleges that Defendant operates a discotheque at 150 Cristo Street in San Juan, Puerto Rico, without the necessary permit.

Pursuant to the provisions of the aforementioned law, the Court issued, on the morning of the 15th, the corresponding order ordering Defendant to immediately cease operating the discotheque, subject to contempt, and set the hearing provided by law for September 22 of this year.

On the afternoon of the same day, September 15, Defendant was notified with a copy of the documents filed and immediately filed his answer, through motion, in which he substantially alleged that the filing of the proceedings on a Friday made it impossible for him to properly defend himself in this summary proceeding, that Plaintiff could have filed the complaint and obtained the order before Friday, thereby giving Defendant the opportunity to plead his case before the following Monday. It is also alleged in said Motion that Defendant's business is the property of "Le Chatelet" who operates the same and who also has a restaurant on the premises, and that as part of the restaurant he has always had a dance floor with music, which aspect of the business is now called San Juan San Juan. In addition, Defendant alleges that "Le Chatelet" employs 35 Puertorricans with a weekly payroll of $4,500.00 and that the immediate closing of this business would leave 15 persons without employment and would result in his economic ruin.

Pursuant to the previous allegations, giving special consideration to the fact that the proceeding was filed on Friday, it being quite evident that Defendant would suffer the impact of said order during the weekend without being able to do anything, the Court issued a new order on that same September 15 which rescinded the previous one until the hearing set for the following Monday, September 18 at 2:00 P.M. was held.

Plaintiff appeared at this hearing through Attorney Aida Franceschini and Defendant through Attorney Ralph Vallone, Jr. In addition, Attorney Gilberto Oliver Vazquez appeared on his own behalf and in representation of a group of residents of San Juan acting as intervenors. Defendant opposed the intervention alleging that they had no right whatsoever to intervene. After arguing the incident, the Court stated that as a matter of procedural law they had the right to intervene. After a

discussion of this incident, both parties presented oral and documentary evidence in support of their respective allegations. Intervenor presented no evidence whatsoever at said hearing, but fully cross-examined and offered documentary evidence during said cross-examination. The Court, understanding that it was prudent and in order to be in a better position to issue a reasonable and equitable order, ordered and appeared at a sight inspection of the property subject of the controversy, which was held on Tuesday, September 19, 1978 at 10:00 A.M.

The parties as well as some of the intervenors, representatives from the Department of Transportation and Public Works, Division of Environmental Control and the Division of Permits of the Municipality of San Juan and agents from the Bureau of Alcoholic Beverages were present at said sight inspection.

Taking into consideration the oral and documentary evidence presented to the court by both parties, the cross-examination conducted by intervenors, the sight inspection as well as the pleadings of the parties, the Court, pursuant to the provisions of Law Number 76 of June 24, 1975, issues the following statements on the evidence presented:

DETERMINATIONS AND CONCLUSIONS OF FACT

1. The building where the business subject to the controversey is located is the property of the Puerto Rico Industrial Development Company (PRIDCO), who leased it to Le Chatelet, Inc. on or around July 1977.

2. Said building is located in a C-3 Zone, pursuant to the zoning map of San Juan. Commercial use is permitted in C-3 zones.

3. On February 8, 1978, the R.P.A. issued a use permit to Mr. John Seath to operate a Bar-Restaurant on the first and second floor of the aforementioned building. Said use is in agreement with a C-3 zoning. See Exhibit I—Defendant.

4. Pursuant to the permit issued to Defendant, he commenced operating a restaurant on the second floor of the building and named it "Le Chatelet". Said restaurant has an entrance through the side door which the building has on its left side and a stairway which is also on the left side. It may also be entered through the front door.

5. As part of the operation of the restaurant, and pursuant to the permit issued, Defendant opened a Bar on the first floor, for the sale of alcoholic beverages. In order to attract clientele he restored and reused a round dance floor which the location already had. The music being played was live music, in other words, it was not taped. The access to this Bar was through the front of the building and also through the side door which also gave access to the restaurant.

6. During the time Defendant operated his business in the aforementioned manner there were no complaints nor indications that he was violating the R.P.A.'s rules or any other rule of the Planning Board.

7. The R.P.A. issued Defendant a use permit to operate the business in the aforementioned manner, pending the endorsement of all the agencies concerned. Note that he was only operating the Bar for several months before the permit was obtained.

8. On May 11, 1978, the Puerto Rico Tourism Company sent Defendant a letter where it indicated that after an inspection they found that the restaurant facilities and conditions satisfactorily complied with the rules and requirements of the Company, and, therefore, they were including it in the promotional list of their "Que Pasa" magazine. See Defendant's Exhibit VI.

9. In order to take advantage of the boom which the new dance styles and music sounds were enjoying in Puerto Rico, Defendant decided to modify that portion of his business

dedicated to the Bar and changed it into a dance hall of the type known as discotheques. He therefore proceeded to file the corresponding use permit with the R.P.A. on June 30, 1978, See Intervenor's Exhibit I.

10. Believing that there would be no objection to the change on R.P.A.'s behalf, since it was in agreement with the zoning rules, he commenced remodelling and decorating the portion of the building dedicated to a Bar. He then proceeded to install decorative lights, emergency lights, a closed circuit television camera, decorative mirrors all over, he decorated the doors, added two interior small wall portions to create small foyers, and covered holes that were previously doors, thus creating the effect of larger privacy, better acoustics and preventing the noise from being heard outside. In addition he redecorated the existing bar, installed a new floor on the dance floor, decorated the bathrooms and added washbasins in one of them, installed additional electronic circuit connected to the central electrical system of the building, which in turn is connected to the main lines. He also installed electronic and sound equipment proper to a discotheque. In general terms, that portion of the building dedicated to the bar and dance area only underwent minimum structural changes which were adding small portions of a wall and covering holes which were previously doorways.

11. In the exterior of the building, Defendant installed awnings in the front, where the entrance door is located and on the left side including the side door, he also placed several planters in front and on the left side.

12. The largest change which the bar area suffered was in its interior decoration. This is in good taste and Defendant has invested a large amount of money in it.

13. On July 5, 1978, the R.P.A. sent a letter to Defendant where he was informed that the use permit for the discotheque was being objected to because he had to comply with the follow-

ing requirements: Submit evidence demonstrating that the building was remodeled and extended with said officer's permission; (2) the endorsement of the Fire Department; (3) the endorsement of the Department of Health on the sanitary conditions of the building; and (4) the endorsement of the Institute of Culture as to the extensions and remodelation. See Exhibit II—Intervenor.

(a) With respect to the first objection, the Court finds as a question of fact, and after the sight inspection and the presentation of the arguments of the parties, that the bar area has sufferd no structural changes which would merit qualifying it as having undergone an extension or remodelation and that the largest alteration was in the decoration, which has altered its appearance and made it more pleasing to the eye.

(b) As to the second objection, after inspecting the location, the Fire Department recommended the installation of three fire extinguishers, emergency lights, exit signs on all doors leading to the outside, which are three. Said sight inspection proved that all these requirements had been met.

(c) As to the third objection, the inspection revealed that the bathrooms are identical to those in existence when the Department of Health issued its license on May 31, 1978, except that a washbasin was added to one of them and both were decorated, making them more attractive. The Court determines that said bathrooms are in perfect sanitary condition.

(d) As to the fourth objection, we have already concluded that the building did not suffer any structural changes which would have the effect of remodelling or extending the premises, that the largest modification was in the decoration and lighting, which is also decorative. With respect to this matter, the Executive Director of the Institute of Culture, on July 20, 1978, sent a letter to Eng. William Salva Matos, Administrator of the R.P.A. in which he stated that said agency had no jurisdiction

whatsoever on the interior decoration of buildings in the Historic zone of Puerto Rico since this was not contemplated in Rule #5 of the Planning Board, unless the proposed decoration alters the building's structure. See Intervenor's Exhibit III.

(e) The sight inspection which took place revealed that the building in question was of reinforced concrete built in this century. This being so and pursuant to the letter from the Institute of Culture itself, we conclude as a question of fact that said agency had no jurisdiction to intervene with the interior decoration of the building in question and its endorsement should limit itself to the exterior part of the building. Since the building is PRIDCO's property, its intervention would only relate to the awnings and planters which Defendant installed and which are the additional installations which Defendant has made.

14. We therefore conclude, as a question of fact, that of all the endorsements required by the R.P.A., the only necessary one is that of the Institute of Culture and this should be limited to whether the awnings or planters in any way alter the architectural design of the building and follow the general pattern for Old San Juan. The others, we understand, are not necessary and can be set aside since Defendant complied with the requirements of the Fire Department and the license issued by the Department of Health is sufficient to operate the discotheque.

15. The sight inspection also revealed that the sound of the music produced by the electronic equipment at the discotheque cannot be heard beyond the walls and the consensus of all parties, including the magistrate, was that the music caused no disturbance.

16. Although there is no direct evidence to reach this conclusion, since intervenor did not present any evidence, we are of the opinion that there is fear in the immediate vicinity that the operation of the discotheque will cause crowds, traffic congestion and the ensuing disturbances which these will create.

17. The Court takes judicial notice that the streets in San Juan are very narrow, especially in the area where the premises subject to the controversy is located, and that this matter has received a lot of publicity from the press as well as on the radio.

18. In front of the building where the business is located is the Cathedral Plaza, on the right is the Hotel El Convento and in front of the placita is the San Juan Cathedral.

19. It is undeniable that closing this business will force Defendant to fire some of its employees and will cause him irreparable damages.

We therefore conclude, as a question of fact, that in order for Defendant to operate the discotheque at this location, he must submit the missing endorsement from the Institute of Culture, limited to whether or not the awnings and planters installed in the exterior alter the general architectural pattern of San Juan pursuant to its rules and regulations and the concession or denial of the use permit of the R.P.A.

STATEMENT OF APPLICABLE LAW

1. Law Number 76 of June 24, 1975, Article 28, authorizes this Court to issue an order to permanently paralyze the acts alleged in the petition or definitively to set aside the temporary order. We have already indicated that due to the circumstances by which this Court was petitioned, it set aside the restraining order until the hearing, thereby avoiding Defendant the rigor of a preliminary closing.

2. Subparagraph (e) of the aforementioned article gives Defendant the opportunity to defend himself, which was what he did, and pursuant to the same the Court set aside the restraining order, allowing Defendant to prove his defense in the hearing which was held.

3. From the evidence presented by both parties it is undoubtable that the usage of the building, after the minimum remodelation and decoration, changed—from being a bar with a dance floor to being a discotheque where the principal reason for its patrons to attend is to dance, contrary to a bar, where the principal reason is to drink alcoholic beverages and to sometimes dance. Planning Regulation Number 4, in section 15.02 (as amended) establishes, among other things, that among the usages permitted in a C-3 Zone are those of commercial recreation (subparagraph 34), restaurants, cafeterias, soda fountains, bars or cafes. (subparagraph 36).

Plaintiff sustains that the proposed usage (discotheque) is included in subparagraph 34 on commercial recreation, and that it therefore needs the R.P.A.'s permit. Defendant, on the other hand, argues that the usage of a discotheque falls within the classification of subparagraph 36 and that, therefore, it does not need any additional permit and can operate the discotheque with the permit presently in effect. We understand, and so resolve, that Defendant has no basis for his contention. The use of the building has changed and this is why the remodelation and decoration which we have previously mentioned were made. It is therefore necessary, in order to permanently operate as a discotheque, that Defendant obtain the necessary permit from the R.P.A., pursuant to the provisions of Section 3.02 of Planning Regulation No. 4, as amended.

4. Article 10 of Law No. 76 provides that the Administrator of the R.P.A. may forego the compliance of the requirements of the Planning Rules pursuant to what is established in the rules, in cases where the literal application of its provisions would result in an unreasonable prohibition or restriction of the enjoyment of a property or belonging and it is satisfactorily proven that said release shall provide relief to a clearly provable prejudice, being able to institute the conditions which the case warrants for the benefit of public interest.

Pursuant to the statements we have made on the evidence and the aforementioned legal provisions, this case is clearly one where the Administrator of the R.P.A. may exercise his discretion, more so when Defendant has substantially complied with the legal requirements, and can grant a permit solely for the operation of the

discotheque, thereby contributing to prevent any irreparable economic damages to Defendant in order that a series of persons not be left without jobs and also so that the public interest will not be greatly prejudiced.

For the aforegoing reasons, the Court Denies the request for an injunction permanently prohibiting Defendant from operating his commercial business as a discotheque and reverts this matter to the R.P.A. so that said agency act in accordance with these recommendations. In the interim Defendant must submit the missing endorsements to said agency.

The Court reserves its jurisdiction for ulterior proceedings related to this matter.

In San Juan, Puerto Rico, September 22, 1978.

(signature)
WILFREDO ALICEA LOPEZ
Judge

I HEREBY CERTIFY:

That on the 25th of September 1978 I sent copy of this Resolution and Order to Eng. Edmundo colon Arizmendi c/o its lwyer Attorney Aida Franceschini, Rules and Permits Administration, Minillas Governmental Center, Stop 22, Santurce, P.R., to Attorney Ralph Vallone, Jr., Banco Central Bldg., Suite 1003, 221 Ponce de Leon, Hato Rey, P.R. 00919 and Attorney Gilberto Oliver Vazquez, Fomento Bldg., Office 640, 268 Ponce de Leon, Hato Rey, P.R. 00917

LIDIA R. DIAZ
SEC. GENERAL

(signed) Maria E. Santiago
by: Asst. Sec.

Appendix E—District Court Sight Inspection Report.

Translation

GENERAL COURT OF JUSTICE

DISTRICT COURT

San Juan Section

THE RULES AND PERMITS ADMINISTRATION, through its Adm. Eng. William Salva Matos and Edmundo Colon Arizmendi,

Plaintiffs,

vs.

JOHN SEATH,

Defendant,

ALBERTO DEL TORO and Others,

Intervenors-Appellants.

Civil No. 78-3547 On: Special Procedure, Art. 28 of Law 76 of June 24, 1975

SIGHT INSPECTION REPORT

On September 19, 1975, a sight inspection was made at 10:00 A.M. The following persons were present at the same:

1) Eng. Edmundo Colon Arizmendi for the Rules and Permits Adminstration

2) Attorney Ralph Vallone Jr. on behalf of Defendant

3) Attorney Aida Franceschini on behalf of the Rules and Permits Administration

4) Attorney Leonor Porrata for the Rules and Permits Administration

5) Attorney Gilberto Oliver Vazquez on behalf of Intervenors

6) Attorney Doel R. Quinones, neighbor and intervenor

7) Attorney Vilma Vila Selles, neighbor and intervenor

8) Mrs. Linda Sanfeliz, neighbor and intervenor

9) Mr. David Ortiz, neighbor and intervenor

10) Mr. Santos Irizarry, Assistant to the Director, Public Works Department, Environmental Control

11) Mr. Charles Kamere, Investigator, Secretary's Department, Permits Division, Municipality of San Juan.

12) Mr. Victor Rodriguez and Mr. Oreste Rivera—Mr. Edwin Ocasio Vega—

Internal Revenue Agents, Alcoholic Beverage Division, Department of the Treasury

13) Mr. Jose A. Villamil, Marshall for the District Court, San Juan Section

During the course of the Sight Inspection, the subscribing Judge observed the following:

1. Exterior Aspects:

The object being observed is located at the end of the Cathedral Placita. It consists of a three-floor reinforced concrete building, with a front and two lateral doors in the first floor.

In front of the placita and separated by Cristo Street is the San Juan Cathedral. On the right side and separated by a local street is the El Convento Hotel.

In front, and serving as a curtain, defendant installed an awning for the front door, which he also did on the left side where the door which leads to the Le Chetelet Restaurant is. In front of the building and on the left side defendant also installed some planters. There are also ornamental plants on the balcony of the second floor and in the Cathedral Placita.

On the right side is the Caleta Las Monjas and on the left is the Caleta de San Juan. Both coves have residential buildings on them.

The left side sidewalk is approximately 15 feet wide, on the left side *(sic)* the sidewalk is narrow and irregular.

The coves as well as Cristo Street are very narrow and paved with cobblestones.

The land from where Cristo Street is and up to the front of the building has a reasonable inclination.

2. Interior Aspect: First Floor

The first floor of the building is reached by a front door or by the left side door, on the right side there is also a service entrance. The left door is principally used to enter the restaurant which is on the second floor. These three doors constitute three emergency exits for the first floor.

The first level, in other words the first floor has two levels, is about three feet from the sidewalk level and the second, where the dance floor is, can be found about four feet from the sidewalk level. When the building is entered by the front door there is a small lobby. In the front wall of this area a closed cir-

cuit television camera was installed, mirrors were added and the doors were decorated and decorative mirrors were placed. There is a small warehouse which has not suffered any alterations.

In order to build the lobby, defendant added a small piece of wall with which he covered part of the hole that was the entrance to the main room, this entrance used to be an open area.

Upon entering the first floor there is a stairwell of approximately eight steps. The administrative offices can be found on this floor and these have not been altered, with the exception of shelves.

On the left side there is an aisle which leads to the bathrooms. Decorative lights were installed here. The bathrooms were decorated and in the ladies room an additional washbasin was added and decorative mirrors were affixed.

On the left side a small piece of wall was also added and it covered an existing hole which gave access to the main room. This had the effect of creating a small lobby. At the end a decorative door was also installed.

Discotheque Area

A decorative wall of architectural aspect was added in this area, it is situated behind the lobby which can be reached by the front door.

The dance floor was decorated and a new floor surface added; the size is the same as before. A new electronic sound system was installed in this area and was completely decorated, but this area did not undergo any structural changes or new divisions. The dance area nor the seating area has suffered any changes.

New lights were also installed in this area and the electrical wiring was installed in a decorative manner. Additional electrical circuits were installed which connected to a separate system which in turn connects to the central system which existed before the redecoration.

A new sound amplifying system was also installed and (4) emergency lights, Exit signs on the three main entry-exit doors, were installed.

The water system has remained the same.

There are three fire extinguishers on the first floor and it also contains a bar which was also redecorated.

In general terms, the interior part of the first floor was decorated to make it attractive to the eye.

In order to fully appreciate the effects of sound, the equipment was put to work at full blast and the general consensus of all those present was that it presented no problem, since it can hardly be heard outside the building.

Be it notified.

In San Juan, Pto. Rico, October 20, 1978.

WILFREDO ALICEA LOPEZ
Judge

I HEREBY CERTIFY:

That on the 24th of Oct., 1978 I sent a copy of this Sight Inspection Report to Attorney Aida Franceschini, Rules and Permits Adm., Minillas Governmental Center, Stop 22, Santurce, P.R., Attorney Ralph Vallone, Jr., Banco Central Building, Of 1003, 221 Ponce de Leon Avenue, Hato Rey, P.R. 00919; and Attorney Gilberto Oliver Vazquez, Fomento Building 640, 268 Ponce de Leon Avenue, Hato Rey, P.R. 00917

LIDIA R. DIAZ
General Secretary
By: Maria E. Santiago (signature)
Asst. Secretary

Appendix F—Report on RPA Agreement Denying Permit.

COMMONWEALTH OF PUERTO RICO

RULES AND PERMITS ADMINISTRATION

San Juan Regional Office

Translation

78-79-F-654—

REPORT ON AGREEMENT ADOPTED BY THE DIRECTOR OF THE SAN JUAN REGIONAL OFFICE

Pending consideration of the San Juan Regional Office is a request for use permit submitted by Mr. John Seath for the operation of a discotheque (Night Club) in a building located at 150 Cristo Street, Old San Juan.

The building for which the use permit is being requested is located within the limits of a district which has a classification of Commercial C-3, according to the Zoning Map presently in effect for the Municipality of San Juan.

Pursuant to the provisions of Item 4, Section 15.02 of the Zoning Rules presently in effect, the proposed usage may be permitted in a district with this classification, if all the requirements needed for this particular district are met and complied with.

The proposed location is within the limits of the Old San Juan Historical Zone.

Pursuant to the provisions of Law 374 of May 14, 1949, as amended, the endorsement of the Institute of Culture of Puerto Rico must be obtained for any construction or use permit within this zone.

The aforementioned endorsement has not been submitted to this Administration.

The business which we are now considering has been operating without having obtained the pertinent use permit, in open violation of the provisions of Law 76 of June 24, 1975; thereby also creating an unsafe environment, undermining and adversely affecting the area where it is located.

Pursuant to the provisions of Article 9, subparagraph B of Law No. 76 of June 24, 1975 (Organic Law of the Rules and Permits Administration) the Administration may deny any request for a use permit in any district or zone whenever very special characteristics arise which may hinder the application of the regulatory provisions which govern the same as to the protection of the general welfare and taking into consideration facts such as health, security, order, defense, economy, population, absence of facilities or public improvements, a more adequate use of the land or environmental conditions, aesthetic or exceptional beauty.

In harmony with the aforegoing and considering all the facts and circumstances involved in this case, the Director of the Regional Office of San Juan of the Rules and Permits Administration pursuant to the provisions of Law No. 76 of June 24, 1975, hereby DENIES the requested use permit for the operation of a discotheque (Night Club) at the aforementioned address.

Any affected party may file an appeal before the Board of Appeal on Construction and Property, within thirty (30) days from the date of its notification; to its address, Box 41118, Santurce, Puerto Rico 00940.

RULES AND PERMITS ADMINISTRATION

By: ENG. MOISES JORDAN MILERO
REGIONAL DIRECTOR

I HEREBY CERTIFY: That the preceding is a true and exact copy of the agreement adopted by the Director of the Regional Office of San Juan of the Rules and Permits Administration on Dec. 15, 1978.

I issue this copy under my signature and seal and inform all interested parties to their address of record.

In San Juan, Puerto Rico, this Dec. 15 1978

(signature)

ANA ESTHER OYOLA
AUTHORIZED OFFICER

(Herein appears the
seal of the R.P.A.)

Appendix G—Rehearing Motion Before RPA.

COMMONWEATH OF PUERTO RICO

RULES AND PERMITS ADMINISTRATION

Regional Office of San Juan

Translation

IN RE:	CASE NO. 78-79-F-654-SPP
	ON:
JOHN SEATH	SAN JUAN SAN JUAN
	DISCOTHEQUE
150 Cristo Street	USE PERMIT
San Juan, Puerto Rico	

Petitioner

WRIT OF RECONSIDERATION

TO THE HONORABLE ADMINISTRATION:

Petitioner apears through its undersigned attorney and respectfully STATES, ALLEGES AND REQUESTS:

1. That petitioner's request for a use permit to operate a discotheque in a building located at 150 Cristo Street in San Juan, Puerto Rico was denied by the Rules and Permits Administration on December 15, 1978.

2. That the document entitled Report on Agreement Adopted by the Director of the Regional Office of San Juan, enumerated 78-79-F-654-SPP, indicates that the same was sent to Petitioner on December 15, 1978.

3. That pursuant to the provisions of Law Number 76 of June 24, 1975, Article 25, 23 L.P.R.A. 71X, we hereby file a reconsideration of said denial, including copy of the Notification of Denial, and request that the same be revoked and the use permit requested be granted.

4. This request is based on the legal right guaranteed by the Constitution of the United States and the Constitution of the Commonweath of Puerto Rico, to open a discotheque, which commercial activity is neither illegal nor inmoral, nor undesireable at the aforementioned location and for which this use permit has been requested. This right cannot be affected by governmental entities, claiming to comply with any law or regulation unless said laws or regulations are applied and enforced in an equitable and just manner.

5. Pursuant to the aforegoing, we consider that the application of the regulations presently in force to petitioner caused an unreasonable prohibition or restriction of his right to enjoy and use his property. Let us consider:

(a) The building where the discotheque is operating has a zoning classification of C-3, and pursuant to Rule 4 of 1969 of the Planning Board, as amended, the requested usage is allowed.

(b) The building in question enjoys the following permits:

1. Use Permit dated February 8, 1978 issued by the Rules and Permits Administration, San Juan Office.

2. Alcoholic Beverage License dated July-September 1978

3. Permission from the Tourism Company to include the Le Chatelet Restaurant in its "Que Pasa" magazine

4. Certification of Consultation on Historical Zone

5. Municipal Patent License

6. License from the Department of Health dated March 31, 1978

7. Endorsement from the Fire Department of Puerto Rico

8. Endorsement from the Institute of Culture of Puerto Rico

9. Endorsement from the Municipality of San Juan with respect to solid waste disposal.

(c) The designing plans are in accordance with the area's aesthetic appeal

(d) The manner in which the business operates insures the tranquility and security of the area.

(e) The usage of the property in question does not involve loud noises, offensive smells or excessive illumination from signs.

(f) A parking area has been provided for the discotheques' clients which area does not hinder pedestrian transit on the sidewalks nor vehicular transit in the area.

(g) The hours of operation of the business are reasonable and do not exceed the limits established by the regulations presently in force for these cases.

6. In addition to the aforegoing, it is pertinent to point out that Honorable Judge Wilfredo Alicea Lopez, in his Sentence of September 22, 1978, in his Determinations and Conclusions of

Fact, specifically Fact 14 of Case No. 78-1620 of the Rules and Permits Administration, represented by its Administrator Engineer William Salva Matos and Edmundo Colon Arizemendi vs. John Seath, states:

> "We must then conclude, as a question of fact that of the endorsements which the R.P.A. requests, the only necessary one is that from the Institute of Culture and this must be conditioned to whether the awnings and planters in any way hamper the architectural design of the exterior of the building and follow the general pattern for Old San Juan . . ."

7. As of this date, said objects have been removed in order to comply with the requirement imposed by the Honorable Court and the demands of the Rules and Permits Administration on this particular matter.

8. The denial of the permit compels us to close the area being used as a discotheque, which will cause Defendant to fire a large number of employees and will also cause him great economic and moral damages.

WHEREFORE Petitioner in this case respectfully requests from the Honorable Rules and Permits Administration to set an administrative hearing as soon as possible in order to fully discuss this Reconsideration and to set aside its decision of December 15, 1978.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, December 29, 1978.

(signature)
RALPH VALLONE, JR.
LUIS F. HERNANDEZ VELEZ
Banco Economias Bldg. Floor 1003
Hato Rey, Puerto Rico 00919
Tel: 754-8860-8861

Appendix H—Informative Writ of June 6, 1979.

Translation

COMMONWEATH OF PUERTO RICO

RULES AND PERMITS ADMINISTRATION

Regional Office of San Juan

IN RE:	CASE NO. 78-79-F-654-SPP
	ON:
JOHN SEATH	SAN JUAN SAN JUAN DISCOTHEQUE
150 Cristo Street	USE PERMIT
San Juan, Puerto Rico	

Petitioner

INFORMATIVE WRIT

TO THE HONORABLE ADMINISTRATION:

Now appears Petitioner through his undersigned attorney and respectfully STATES, ALLEGES AND PLEADS:

1. Petitioner's request for a Use Permit to operate a discotheque in a building located at 150 Cristo Street in San Juan, Puerto Rico, was denied by the Rules and Permits Administration on December 15, 1978.

2. By virtue of the provisions of Law Number 76 of June 24, 1975, Article 25, L.P.R.A. 71X, a writ of reconsideration was filed on December 29, 1978 requesting the reconsideration of said denial and the issuance of the Use Permit.

3. On May 11, 1979, this party was again informed that the discotheque was being operated without the necessary Permit.

4. The aforementioned act is incongruous and surprising in view of the judicial and administrative developments in this case since the discussion of the facts alleged in this writ are still pending before the courts of Justice of this country and since we have not received any answer to the writ of reconsideration mentioned in the preceding second paragraph.

5. We are unaware of the motives behind this notification and do not understand the message which is being transmitted, and state herein our position that we are willing to comply with any reasonable and legal requirement and that we reject any capricious and unreasonable practice which may prejudice our best interests.

WHEREFORE we respectfully request that this Honorable Administration consider this writ and stop any administrative action which may be addressed to creating a conflict with the judicial and administrative actions presently being heard.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, June 6, 1979.

(signature)
RALPH VALLONE, JR.
LUIS F. HERNANDEZ VELEZ
Banco Central and Economias Bldg.
Suite 1003
221 Ponce de Leon Avenue
Hato Rey, Puerto Rico 00919

Tel. 754-8860

Appendix I—Informative Motion.

Translation

IN THE SUPERIOR COURT OF PUERTO RICO

SAN JUAN SECTION

REGULATIONS AND PERMITS ADMINISTRATION	Civil Number: PE 78-1620(903)
Petitioner-Appellant	RE: COMPLAINT UNDER SPECIAL PROCEDURE, ARTICLE 28
v.	OF ACT 76 OF JUNE 14, 1975
JOHN SEATH	23 LPRA 72
	(Appeal from the District
Respondent	Court, San Juan Section,
ALBERTO DEL TORO, ET ALS	#78-3547)
Intervenors	

INFORMATIVE MOTION

TO THE HONORABLE COURT:

NOW APPEARS Respondent through his undersigned attorneys and respectfully exposes, alleges and prays:

1. On June 6, 1979, the undersigned attorneys filed before the Honorable Regulations and Permits Administration of Puerto Rico a Writ which is enclosed and made part as Exhibit "A" of this motion.

2. We request that this Honorable Court takes notice of the attitude and behavior of the mentioned agency against Respondent inasmuch as said behavior has originated the issue of the case at bar.

WHEREFORE, we respectfully request this Honorable Court takes notice on the above subject.

RESPECTFULLY SUBMITTED:
In San Juan, Puerto Rico, on June 7, 1979.

CERTIFICATION: As of this same date we are sending an exact copy of this motion to Ms. Norma del Valle, Caleta de San Juan #53, Apt. 3, San Juan, Puerto Rico, 00902 and to Maretsa Rodriguez Portela, Esq. RPA, Box 41179, Santurce, Puerto Rico.

(signed)
RALPH VALLONE, JR.
LUIS FRANCISCO HERNANDEZ VELEZ
Banco Central y Economias Building
10 floor, Office 1003
Hato Rey, Puerto Rico, 00910
Tel: 754-8860 8861

Appendix J—Superior Court Judgment of May 28, 1980.

Translation

IN THE SUPERIOR COURT OF PUERTO RICO

SAN JUAN SECTION

RULES AND PERMITS ADMINISTRATION, etc.,

Plaintiffs-Appellants,

vs.

JOHN SEATH,

Defendant-Appellee,

ALBERTO DEL TORO, etc.,

Intervenors-Appellants.

Civil No. PE78-1620 (906) on: Special Procedure

(Appeal from the District Court of San Juan, Case 78-3547)

JUDGMENT

The Rules and Permits Adminstration requested the District Court to issue an order against defendant, barring him from operating a discotheque at 150 Cristo Street in Old San Juan. The complaint was brought pursuant to the special procedure established in Art. 28 of the Organic Law of the Rules and Permits Administration, 23 LPRA 72. The complaint alleged that the particular usage required a permit from the Rules and Permits Administration and that said permit had not been obtained. Intervenors joined the proceedings at a later date, in their capacity as neighbors in the vicinity.

After a discovery hearing and a sight inspection, the District Court issued a Resolution in which it momentarily denied the restraining order which had been requested, suggested that certain additional proceedings be held in the administrative forum and retained jurisdiction for ulterior proceedings. The Rules and Permits Administration (RPA) as well as intervenors filed an appeal of said Resolution.

After a study of the allegations of all the parties, we understand that we must dismiss both appeals since this Court understands that the Resolution subject to this appeal is not properly appealable. A reading of the resolution dictated by the District Court clearly demonstrates that said Court did not definitely resolve to deny the issuance of the order being requested, but it merely denied it in that moment, without prejudice to the fact that it could be issued later on. Although the District Court did not expressly state that its reason to deny the order was that the appeal was premature, this is the real reason for its decision. The Resolution of the District Court is not final, pursuant to its own clear terms, and leaves the door open for the concession of a remedy in favor of Plaintiffs at a later date in the judicial proceedings. And only *final* decisions of a court are properly subject to an appeal. See Rule 43.1 of Civil Procedure of 1979, which clarifies the norm with respect to this situation which was already in effect in Rules 43 and 44 of 1958.[1]

Notwithstanding the aforegoing, and faced with the possibility that the resolution was susceptible to appeal, we would like to state our criteria that it should be confirmed in the merits. The District Court, correctly applying the provisions of subparagraph (e) of Article 38, held a hearing to allow Defendant to "oppose any legal defense" and pursuant to the express mandate of that subparagraph conducted a sight inspection. On the

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[1]The Rules of Civil Procedure are applicable to this appeal, which is governed by "the terms and procedures which govern appeals in ordinary actions", by virtue of the specific mandate of subparagraph (g) of Article 28, which establishes this special procedure.

basis of the evidence which was presented and its own inspection it determined as a question of fact that the enterprise already had a use permit to operate a restaurant-bar and that the alterations made after obtaining said use permit had exclusively been alterations in the *decoration* of the premises, without having affected any structural changes nor extensions or remodelations. However, it recognized that the use permit for a bar-restaurant did not itself authorize the use of the premises as a discotheque, even though said usage is permitted in a C-3 zone, and that it was necessary to obtain a new use permit.

The District Court determined that since an extension had not taken place, the requirements of the RPA that it had to obtain a permit prior to an extension which had not occurred, was not applicable. It also determined, as a question of fact, that all the requirements which the RPA had required for the concession of the new permit were either inapplicable or had already been complied with, with the exception of the endorsement of the Institute of Culture as to changes in the external appearance of the building.

Contrary to what has been suggested in this appeal, we understand that the District Court had sufficient discretion pursuant to the statutes to deny the order which had been requested and which would have had the effect of immediately and permanently prohibiting the operation of the discotheque, subject to contempt.

Article 28 of the RPA's Organic Law has obvious antecedents in Article 12 of the Planning Law of 1946, 23 LPRA 42. Although this new article is a bit more comprehensive, since it applies to situations in which a structure is being *used* in violation of the Planning rules and regulations, its language is practically identical to the previous Article 12. And the aforementioned Article has been qualified as a "similar action" to that of an injunction in *Torres v. Rodriguez*, 101 DPR 177, 184 (1973).[2] Therefore, we understand that the Court, in issuing orders pursuant to this article, should be guided by the general principles

[2] We have not found, nor have the parties mentioned, any opinion of the Supreme Court which interprets this new article 28.

of jurisprudence pertaining to injunctions. We are then unable to agree with the position adopted by appellants that the District Court could only determine whether or not a specific use for which no specific permit existed was being carried on, and that if it so determined issue the restraining order. This behavior would not only be incompatible with a statute that expressly authorizes defendant to "oppose any legal defense", but would be incompatible with the general doctrine of injunction, which has always recognized the court's discretion and its duty to weigh the interests in conflict and which has never conceived the role of the court as one of a robot which has not discretion or capacity to judge. On the contrary, the law has always recognized that in determining whether or not to issue an injuction the Court should trace a fine balancing line of the interests at hand. *Ortiz Cabrera vs. Court,* 101 D.P.R. 612, 618 (1973). *Ports Authority v. Court,* 103 D.P.R. 903, 909 (1975) recognizes that even after an injuction has been issued, its continued enforcement depends on the situation of facts which may exist at a given moment. *A fortiori* when courts issue or deny an injunction they must carefully consider the particular facts present at that moment.

Pursuant to the aforegoing, we are of the opinion that the District Court did not incur in any error when it essentially resolved that the order which was being requested against Defendants was premature, and retained jurisdiction over the matter while certain additional proceedings were being considered in the administrative forum.

Assuming that we had jurisdiction in this case, we would confirm the appealed sentence, without prejudice to the fact (naturally) that once the proceedings in the administrative process have been finalized, defendant should request that the proceedings in the District Court be again initiated, if it should consider it necessary.[3]

REGISTER AND NOTIFY.

San Juan, Puerto Rico, May 28, 1980.

(signature)
ANGEL G. HERMIDA
Superior Court Judge

[3] In many documents presented before this Court facts which have occurred after the Resolution dictated by the District Court have been mentioned. We understand that the court of appeals is not authorized to receive evidence on these facts. These can be presented at the proper moment in the District Court, if the proceedings are reinitiated in this Court.

Appendix K—Supreme Court Resolution of November 4, 1981.

Translation

IN THE SUPREME COURT OF PUERTO RICO

RULES AND PERMITS ADMINISTRATION, etc.,

Plaintiff,

vs.

JOHN SEATH,

Defendant-Appellee,

ALBERTO DEL TORO and others,

Intervenors-Petitioners.

No. 0-80-328

Certiorari

RESOLUTION

San Juan, Puerto Rico, November 4, 1981

Considering that the sentence of the District Court, San Juan Section, which denied the injunction order because it was premature, was dictated on September 22, 1978 and that three years have elaped, and that additional administrative proceedings may have taken place since that date, which may fundamentally alter the situation on which the request for injuction is made, if it is to proceed, and faced with the necessity of updating the facts; the District Court is hereby ordered to set a

hearing for all parties in order that they may present evidence stating the status of the litigation on this date, and that within a term of thirty (30) it send us a certification on this matter stating ample determinations of facts and conclusions of law as well as the award which should be granted pursuant to the new determinations, and on which this District Court reserved jurisdiction. Once this Court is informed of the present status of this case, it shall issue the corresponding judgment on the request for a Certiorari.

The Court agreed the above and the General Secretary certifies this Resolution. Judge President Trias Monge and Associate Judges Martin and Negron Garcia did not intervene.

LADY ALFONSO DE CUMPIANO
General Secretary

Appendix L—Supreme Court Resolution of December 22, 1981.

Translation

IN THE SUPREME COURT OF PUERTO RICO

RULES AND PERMITS ADMINISTRATION, etc.,

Plaintiff,

vs.

JOHN SEATH,

Defendant-Appellee,

ALBERTO DEL TORO *et al.*,

Intervenors-Petitioners.

PE 78-1620 (906)
No. 0-80-328 CERTIORARI

RESOLUTION

San Juan, Puerto Rico, December 22, 1981

After hearing intervenors motion filed December 4, 1981, which was accompanied by a "Report on Agreement Adopted by the Director of the Regional Office of San Juan" of the Rules and Permits Administration, dated December 15, 1978 and notified on that same date, and after intervenors have admitted that said report was known by Defendant-Appellee and

that said Defendant filed a reconsideration of the same through motion dated June 6, 1979, and not appearing from the record before us if the decision of the Director of the Regional Office of San Juan denying the use permit is final and binding, we transfer this matter to the District Court, San Juan Section, so that it render its report on what administrative action has been taken and if said proceeding has concluded, it proceed pursuant to our Resolution of November 4, 1981.

The Court in full takes this decision and it is certified by the Secretary. President Judge Trias Monge and Associate Judges Martin and Negron Garcia did not intervene.

LADY ALFONSO DE CUMPIANO
Secretary

herein appears the certification
of the court dated December 23, 1981.

Appendix M—Supreme Court Resolution of May 27, 1981.

IN THE SUPREME COURT OF PUERTO RICO

REGULATIONS AND PERMITS ADMINISTRATION (RPA),

Complainant,

v.

JOHN SEATH,

Respondent-Appellee,

ALBERTO DEL TORO, *et als.*,

Intervenors-Petitioners.

Number 0-80-328 CERTIORARI

RESOLUTION

San Juan, Puerto Rico, on this 27th day of May, 1982.

The District Court, San Juan Section must report within ten days after receiving notification of this Resolution the information requested in our Resolution of December 22, 1981.

The Court has so ordered and the Clerk of the Court has certified it. The Chief Justice, Mr. Trias Monge and the Associate Justice, Mr. Negron Garcia, did not intervene.

(signed)
LADY ALFONSO DE CUMPIANO
Clerk of the Court

Appendix N—District Court Order of June 15, 1982.

Translation

IN THE DISTRICT COURT OF PUERTO RICO
SAN JUAN SECTION

REGULATIONS AND PERMITS ADMINISTRATION (RPA),

Complainants,

v.

JOHN SEATH,

Respondent.

Civil Number 78-3547
Re: Special Proceeding Art. 28, Act 76 of June 24, 1975

Order

On this date, June 15, 1982, we held a conference in chambers with the attorneys of the parties. Francisco Borges Ruiz, Esq., Attorney for the Regulations and Permits Administration (RPA) appeared. Respondent John Seath was represented by Angel Cruz Cruz, Esq. Also present was Gilberto Oliver Vazquez, Esq., representing the intervenors.

For the purposes of establishing the present issues the appearing attorneys stipulated the following facts:

1. On December 15, 1978 RPA, through its *Report about the Agreement Adopted by the Director of the Regional Office of*

San Juan in case number 78-79-F-654 SPP, denied the use permit requested to operate a discotheque in a building located at Cristo Street number 150, in Old San Juan. (A certified copy of the report is attached, Exhibit A).

2. Respondent John Seath requested in writing on December 29, 1978 the reconsideration of said denial and petitioned that an administrative hearing be scheduled before RPA. (A copy of the Respondent Reconsideration Writ is attached, Exhibit B).

3. By communication dated May 11, 1979, RPA notified again John Seath that he was operating a discotheque business without having obtained the corresponding permit. (A copy of the communication is attached, Exhibit C).

4. Through an Informative Motion dated June 6, 1979, Respondent John Seath answered RPA's communication and informed it that since the case was pending before the Courts of Justice he requested that any administrative action be paralyzed. (A copy of the Informative Motion is attached, Exhibit D).

5. It does not appear that RPA made any determination nor issued any resolution with respect to the Reconsideration Motion submitted by respondent. Respondent John Seath did not appeal to the Board of Appeals of Constructions and Subdivisions of the denial issued by RPA on December 15, 1978.

6. Through a letter dated July 20, 1978 the Institute of Culture of Puerto Rico through Mr. Luis M. Rodriguez Morales, Executive Director, notified that it lacked jurisdiction with respect to the interior decoration—that does not mutilate the architecture of the building—at the historical zones of Puerto Rico because it is not so contemplated in Regulation Number 5 of the Planning Board. By letter dated September 19, 1978 the Institute of Culture of Puerto Rico stated that in their files there was no request for the works that took place at the building in Cristo Street No. 150 and that the Institute had not granted a

permit for said works. (Letters of July 20 and September 19, 1978 are attached, Exhibits E and F).

7. To this date (June 15, 1982) the discotheque San Juan San Juan continues operating. The restaurant business, on the contrary, is not operating anymore.

Once the stated stipulation of facts were made, certain doubts arose among the attorneys for the parties with respect to the interpretation and scope of the Resolutions of the Honorable Supreme Court of Puerto Rico of November 4, 1981, December 22, 1981 and May 27, 1982.

Before praying for any action or remedy from this Court, the Attorneys for the parties agreed to file a motion subscribed by all before the Honorable Supreme Court of Puerto Rico, no later than Friday 18, 1982, requesting clarification of the mentioned resolutions.

Be this order notified to the Honorable Supreme Court of Puerto Rico, case number 0-80-328, Certiorari.

Be this order notified to the San San Section of the Honorable Superior Court, case number CS-PE-78-1620 (906).

BE IT NOTIFIED.

In San Juan, Puerto Rico, on June 15, 1982.

(signed)
JOSE E. BROCO OLIVERAS
District Court Judge

Appendix O—Motion Requesting Clarification.

Translation

IN THE SUPREME COURT OF PUERTO RICO

RULES AND PERMITS ADMINISTRATION, etc.,

Plaintiff,

vs.

JOHN SEATH,

Defendant-Appellee,

ALBERTO DEL TORO, and others,

Intervenors and Petitioners.

Case No. 0-80-328 on: Certiorari

MOTION REQUESTING THAT THE ORDER BE SET ASIDE AND CLARIFICATION OF THE SENTENCE

To the Honorable Supreme Court of Puerto Rico:

Now appears the undersigned attorney, by special appearance before this Honorable Supreme Court and in representation of Defendant-Appellee, respectfully requests and states:

1. Defendant-Appellee has contracted the professional services of this attorney to represent him in the appeal before the Honorable Supreme Court of the United States, since he understands that his fundamental constitutional rights have been violated without due process of law.

2. The decisions, opinions and sentences of this Honorable Supreme Court are accorded the greatest respect and deference by this attorney and we are not accustomed to frivolously appeal a case.

3. After studying the record in this case and discussing it with Defendant's legal representative before this forum, we have doubts on whether this Honorable Court remanded the case to the District Court to decide whether to award the injuction retaining discretion to decide the merits of the Rules and Permits Administration's petition in all its extremes, including the administrative agency's contempt of the Court's order, which was never revoked either by the Superior Court nor by this Honorable Supreme Court, and the finality of the order of the RPA which pursuant to the Resolutions of December 22 and November 4, 1981 should have been decided by the District Court and which were not because there was a discrepancy as to their scope. Due to the manner in which the sentence is phrased, we must understand that this Honorable Court exercised its authority in the first instance and already resolved the controversy as to the finality of the administrative act which collaterally arose from the true issues in controversy, in which case we respectfully understand that the District Court would be limited in its determination.

4. The finality of the state's action is necessary in order to file an appeal before the Federal court.

5. Although this Honorable Court may consider its sentence clear, with all respect and responsibility we state that it would be a professional risk to assume an interpretation which could prejudice the rights of my client vis-a-vis another interpretation which would make an appeal frivolous.

6. We are aware that this Honorable Court has denied the request of our distinguished colleague Angel Cruz Cruz, which requests that the Order be set aside pending the appeal in this case but we consider it meritorious to request this Honorable Court

to stay the same until the sentence is clarified, as we anticipate that the court itself could have some doubts as the appearing lawyers do.

WHEREFORE, we respectfully request that the Sentence of June 30, 1982 be clarified; and that in the interim the mandate of execution of the Order sent to the Superior Court dated August 3, 1982 be stayed, which Order has yet to be executed as of this date.

I certify that on this same date I have sent a copy of this Motion to Attorney Maretsa Rodriguez Portela, Legal Division, Rules and Permits Administration, Box 41179, Minillas Station, Santurce, P.R. 00940 and to Attorney Gilberto Oliver Vazquez, Box J, Hato Rey, Puerto Rico 00919

(signed)
MARIA MILAGROS SOTO
Banco Central and Economias
Office 1115
Hato Rey, Puerto Rico 00917
Tel. 754-1920